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11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 PRISCILLA HERNANDEZ, An Individual;
14 ABIGAIL ROBINSON, An Individual; And
TIFFANI WASHINGTON, an individual, on
15 behalf of themselves and all others similarly
situated,

16 Plaintiffs,

17 v.

18 FP HOLDINGS, LP, a Nevada limited
partnership d/b/a Palms Casino Resort;
19 FIESTA PARENTCO, LLC, a Nevada limited
liability company; STATION CASINOS,
20 LLC, a Nevada limited liability company; NP
PALACE, LLC, a Nevada domestic limited
21 liability company d/b/a Palace Station Hotel &
Casino RED ROCK RESORTS, INC., a
22 Delaware corporation,

23 Defendants.

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Case No.: 2:18-cv-00321-RFB-PAL

**STIPULATION AND ORDER TO STAY
PROCEEDINGS AND EXTEND
DEADLINE FOR DEFENDANT TO
RESPOND TO THE COMPLAINT**

(FIRST REQUEST)

24
25 On February 21, 2018, Priscilla Hernandez, Abigail Robinson, and Tiffani Washington
26 (“Plaintiffs”), on behalf of themselves and the proposed Class, filed the instant case against FP
27 Holdings, LP, a Nevada limited partnership d/b/a Palms Casino Resort; Fiesta Parentco, LLC, a
28 Nevada limited liability company; Station Casinos, LLC, a Nevada limited liability company; NP

1 Palace, LLC, a Nevada domestic limited liability company d/b/a Palace Station Hotel & Casino
2 Red Rock Resorts, Inc., a Delaware corporation (collectively “Palms/Stations”). Plaintiffs and
3 Palms/Stations, by and through their respective counsel of record, stipulate to: (1) stay this case
4 pending a ruling on subject matter jurisdiction in *Cabral et al. v. Caesars Entertainment*
5 *Corporation et al.*, Case No. 2:17-cv-02841-APG-VCF (the “Caesars Case”), another similar case
6 filed by the same Plaintiffs’ counsel; and (2) extend the current deadlines for Palms/Stations to
7 respond to Plaintiffs’ Complaint (ECF No. 1) until after the Court makes a determination of
8 subject matter jurisdiction in the Caesars Case.

9 **I. Background**

10 On February 21, 2018, Plaintiffs filed the instant case against Palms/Stations, alleging that
11 Palms/Stations improperly applied Clark County, Nevada’s Combined Transient Lodging Tax to
12 charges for internet access. Relatedly, counsel for Plaintiffs has filed some fourteen additional
13 lawsuits (the “Related Lawsuits” and, together with the instant action, the “Resort Fee Lawsuits”)
14 in this District Court that assert similar claims and requests for relief against other resort/hotel
15 defendants:

- 16 • *Cabral et al. v. Caesars Entertainment Corporation et al.*, Case No.
17 2:17-cv-02841-APG-VCF (filed on November 10, 2017);
- 18 • *Phelps et al. v. MGM Resorts International et al.*, Case No. 2:17-cv-
19 02848-APG-CWH (filed on November 13, 2017);
- 20 • *Martinez et al. v. Las Vegas Sands Corp. et al.*, Case No. 2:17-cv-
21 02859-APG-NJK (filed on November 14, 2017);
- 22 • *Schnitzer et al. v. Wynn Resorts, Ltd. et al.*, Case No. 2:17-cv-02868-
23 RFB-GWF (filed on November 15, 2017);
- 24 • *Bowes, et al., v. Nevada Property 1 LLC, dba Cosmopolitan of Las*
25 *Vegas*, Case No. 2:17-cv-02913-GMN-VCF (filed on November 20,
26 2017);
- 27 • *Chapman v. Penn National Gaming, Inc. et al.*, Case No. 2:17-cv-
28 02924-GMN-PAL (filed on November 21, 2017);

- 1 • *Shapiro v. Treasure Island, LLC*, Case No. 2:17-cv-02930-APG-CWH
2 (filed on November 22, 2017);
- 3 • *Inman v. Las Vegas Resort Holdings, LLC*, Case No. 2:17-cv-02950-
4 JAD-NJK (filed on November 28, 2017);
- 5 • *Robinson v. Westgate Resorts, Inc.*, Case No.: 2:19-cv-0095-JAD-CWH
6 (filed on January 17, 2018)
- 7 • *Herrera, et al., v. American Casino & Entertainment Properties, LLC,*
8 *et al.*, Case No. 2:18-cv-0218-JAD-PAL (filed on February 6, 2018);
- 9 • *Falcone v. Gaughan South LLC*, Case No. 2:18-cv-0234-GMN-GWF
10 (filed on February 8, 2018)
- 11 • *Mason, et al., v. HRHH Hotel/Casino, LLC*, Case No. 2:18-cv-0036-
12 RFB-CWH (filed on February 28, 2018);
- 13 • *Hanson v. Plaza Hotel & Casino, LLC*, Case No. 2:18-cv-00378-APG-
14 NJK (filed on March 1, 2018); and,
- 15 • *Webster, et al., v. GNLV Corp., et al.*, Case No. 2:18-cv-00576-KJD-
16 PAL (filed on March 29, 2018).

17 **II. The Requested Stay and Deadline Extensions Will Conserve Resources for the Parties** 18 **and the Court**

19 To avoid duplicative legal briefing and to efficiently address the common issue of subject
20 matter jurisdiction, the parties to a group of the Resort Fee Lawsuits have entered into a separate
21 agreement (the “Agreement”), attached hereto as Exhibit 1, to efficiently determine subject matter
22 jurisdiction by filing a single motion to dismiss on the issue (the “Subject Matter Jurisdiction
23 Motion”) in the first-filed case, *i.e.*, the Caesars Case. Under the Agreement, the signatory parties
24 presently before Judge Gordon have agreed to consolidate their respective cases for the sole and
25 limited purpose of allowing Judge Gordon to determine the issue of subject matter jurisdiction in
26 one consolidated order. On February 22, 2018, Judge Gordon granted the parties’ request and
27
28

1 consolidated various Resort Fee Lawsuits before him.¹

2 Additionally, the parties in the remaining cases, including now Palms/Stations, have
3 collectively agreed to seek a stay of their respective cases pending a decision on the Subject
4 Matter Jurisdiction Motion in the Caesars Case. While not binding on this Court, such a decision
5 may nevertheless provide guidance, increase judicial efficiency, and decrease costs to both the
6 Court and the parties. In fact, the parties have agreed to take certain actions in this litigation (as
7 set forth more fully below) that are contingent on the outcome of the Subject Matter Jurisdiction
8 Motion in the Caesars Case.

9 Thus, pursuant to the Agreement, Plaintiffs and Palms/Stations, by and through their
10 undersigned counsel, stipulate that:

- 11 1. All matters in the instant case be stayed pending a determination of the Subject
12 Matter Jurisdiction Motion in the Caesars Case.
- 13 2. If Judge Gordon finds the Court lacks subject matter jurisdiction and grants the
14 Subject Matter Jurisdiction Motion, then either Plaintiffs will move the Court to
15 voluntarily dismiss the instant case without prejudice, or Plaintiffs' counsel (who
16 also are counsel in the Caesars Case) will appeal from Judge Gordon's order. If
17 Plaintiffs' counsel decides to appeal, then Plaintiffs will request a continuation of
18 the stay in this case, pending a resolution of the appeal. If, after appeal, the
19 applicable court determines that there is no federal jurisdiction, then Plaintiffs will
20 move the Court to voluntarily dismiss this case without prejudice.
- 21 3. If Judge Gordon finds he has subject matter jurisdiction and denies the Subject
22 Matter Jurisdiction Motion, then Palms/Stations will not re-file the Subject Matter
23 Jurisdiction Motion in this case.²
- 24 4. Palms/Stations's current deadline to respond to Plaintiffs' Complaint (ECF No. 1)
25 is June 11, 2018. If Judge Gordon finds he has subject matter jurisdiction and
26

27 ¹ See Order Granting Stipulations (ECF No. 21), Case No. 2:17-cv-02841-APG-VCF.

28 ² As noted above, the parties recognize that this Court is not bound by Judge Gordon's ruling. Nothing in this stipulation shall limit any party's ability to respond to subject matter jurisdiction issues raised by this Court.

1 denies the Subject Matter Jurisdiction Motion, then Palms/Stations's deadline to
2 respond to the Complaint shall be extended to 30 days from the date that the court
3 in the Caesars Case enters a final order on the Subject Matter Jurisdiction Motion.

4 These stipulations between Plaintiffs and Palms/Stations will permit the efficient
5 determination of a common legal issue that exists in multiple, related lawsuits, and conserve
6 judicial and party resources. Notably, a stipulation requesting similar relief was recently granted by
7 the Court in the related lawsuit of *Bowes et al. v. Nevada Property I LLC*, case no. 2:17-cv-02913-
8 GMN-VCF (ECF No. 22).

9 Pursuant to the Agreement, filing of the Subject Matter Jurisdiction Motion does not
10 constitute a waiver of any defense or argument and shall not preclude Palms/Stations from
11 asserting any additional defenses or arguments at a later date, including, without limitation, any

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1 defenses or motions permitted by Federal Rule of Civil Procedure 12(b). These stipulations are
2 made in good faith and not for purposes of delay.

3 Dated: June 1, 2018

4 /s/ Don Springmeyer

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20 IT IS SO ORDERED.

21 DATE:



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

DATED this 7th day of June, 2018.

EXHIBIT 1

Agreement

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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MARGARITA CABRAL, an individual, et al.,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

vs.

CAESARS ENTERTAINMENT
CORPORATION, a Delaware corporation, et
al.,

Defendants.

CASE NO.: 2:17-cv-02841-APG-VCF

**STIPULATION AND [PROPOSED]
ORDER TO:**

**(1) EXTEND THE DEADLINE TO
RESPOND TO THE FIRST AMENDED
COMPLAINT (SECOND REQUEST) [ECF
NO. 9];**

**(2) SET A DEADLINE FOR
DEFENDANTS TO FILE A MOTION TO
DISMISS ON THE BASIS OF SUBJECT
MATTER JURISDICTION; AND**

**(3) STAY PLAINTIFFS' MOTION TO
CONSOLIDATE [ECF NO 6.]**

-and-

REQUEST FOR STATUS CONFERENCE

On November 10, 2017, Margarita Cabral and numerous other named plaintiffs (the "Plaintiffs") filed the instant case against Caesars Entertainment Corporation and related entities (collectively, "Caesars") alleging that Caesars improperly applied Clark County, Nevada's Combined Transient Lodging Tax to charges for internet access. Subsequently, counsel for Plaintiffs filed the following nine additional lawsuits (the "Subsequent Lawsuits") in this District Court:

- *Phelps et al. v. MGM Resorts International et al.*, Case No. 2:17-cv-02848-APG-CWH (filed on November 13, 2017);

- *Martinez et al. v. Las Vegas Sands Corp. et al.*, Case No. 2:17-cv-02859-APG-NJK (filed on November 14, 2017);
- *Schnitzer et al. v. Wynn Resorts, Ltd. et al.*, Case No. 2:17-cv-02868-RFB-GWF (filed on November 15, 2017);
- *Bowes et al. v. Nevada Property 1 LLC*, Case No. 2:17-cv-02913-GMN-VCF (filed on November 20, 2017);
- *Chapman v. Penn National Gaming, Inc. et al.*, Case No. 2:17-cv-02924-GMN-PAL (filed on November 21, 2017);
- *Shapiro v. Treasure Island, LLC*, Case No. 2:17-cv-02930-APG-CWH (filed on November 22, 2017);
- *Inman v. Las Vegas Resort Holdings, LLC*, Case No. 2:17-cv-02950-JAD-NJK (filed on November 28, 2017);
- *DiNino v. Four Seasons Hotels Inc.*, Case No. 2:17-cv-2961-JAD-GWF (filed on November 29, 2017); and
- *Robinson v. Westgate Resorts Inc.*, Case No. 2:18-cv-95-JAD-CDH (filed on January 17, 2018).

Each of the lawsuits filed by counsel for Plaintiffs (collectively, the “Resort Fee Lawsuits”) contains virtually identical allegations and requests for relief. Each case will also likely involve a similar determination of whether the adjudicating court has subject matter jurisdiction over the action. Federal Rule of Civil Procedure 42 allows for the consolidation of multiple cases for the limited purpose of resolving common questions of law, including a determination of subject matter jurisdiction. *See* Fed. R. Civ. 42(a)(1); *see also* *Beddoe v. United States*, 1993 WL 134827, at *1 (E.D. Cal. Feb. 2, 1993) (consolidating cases under Rule 42(a) for the purpose of evaluating subject matter jurisdiction).

In an effort to avoid duplicative legal briefing and to efficiently address the common issue of subject matter jurisdiction, the parties to the Resort Fee Lawsuits have entered into a separate agreement (the “Agreement”), attached hereto as **Exhibit 1**. The purpose of the Agreement is to consolidate the lawsuits currently before Judge Gordon for the limited purpose

1 of determining subject matter jurisdiction so that this Court's ruling on that issue may be
2 imputed to all of the Resort Fee Lawsuits. In order to address the issue of subject matter
3 jurisdiction in an efficient manner, the Agreement sets forth that the defendants to the Resort Fee
4 Lawsuits shall coordinate to present a single motion to dismiss on the basis of subject matter
5 jurisdiction (the "Subject Matter Jurisdiction Motion"). The Subject Matter Jurisdiction Motion
6 will be filed by Caesars in the instant case.

7 Pursuant to the Agreement, Plaintiffs and Caesars, by and through their undersigned
8 counsel, hereby stipulate that:

- 9 1. The current deadline of February 14, 2018 for Caesars to file responses to
10 Plaintiffs' First Amended Complaint (ECF No. 9) shall be extended to 30 days
11 from the date that this Court issues a final ruling on the Subject Matter
12 Jurisdiction Motion;
- 13 2. The deadline for Caesars to file the Subject Matter Jurisdiction Motion in the
14 instant case shall be March 14, 2018;
- 15 3. Plaintiffs' Motion to Consolidate (ECF No. 6) shall be stayed until 30 days from
16 the date that this Court issues a final ruling on the Subject Matter Jurisdiction
17 Motion; and
- 18 4. The instant case shall be consolidated with the Subsequent Lawsuits currently
19 before Judge Gordon, Case Nos. 2:17-cv-02841, 2:17-cv-02848, 2:17-cv-02859,
20 and 2:17-cv-02930, for the limited purpose of determining the Subject Matter
21 Jurisdiction Motion. At this time, Plaintiffs and Caesars do not stipulate to
22 consolidate for any other determination or purpose.

23 These stipulations are made in agreement between Plaintiffs and Caesars and are
24 warranted because they conserve judicial and party resources by allowing for an efficient
25 determination of common issues of law that exist in multiple related lawsuits. Plaintiffs reserve
26 all rights to seek coordination or consolidation with respect to issues other than subject matter
27 jurisdiction at a later date. Pursuant to the Agreement, filing of the Subject Matter Jurisdiction
28 Motion does not constitute a waiver of any defense or argument and shall not preclude Caesars

1 from asserting any additional defenses or arguments at a later date, including, without limitation,
2 any defenses or motions permitted by Federal Rule of Civil Procedure 12(b). The parties to the
3 Resort Fee Lawsuits reserve their rights regarding arbitration.

4 Plaintiffs and Caesars also respectfully request a status conference on a date chosen by
5 the Court to facilitate the stipulations and legal briefing set forth in the Agreement and above.

6 DATED: February 14, 2018.

7 **FENNEMORE CRAIG, P.C.**

**WOLF, RIFKIN, SHAPIRO, SCHULMAN
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8
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Attorneys for Plaintiffs

17 **ORDER**

18 **IT IS SO ORDERED.**

19 UNITED STATES MAGISTRATE JUDGE

20 DATED: _____

CERTIFICATE OF SERVICE

Pursuant to F.R.C.P. 5(b) and Electronic Filing Procedure IV(B), I certify that on February 14, 2018, a true and correct copy of the **STIPULATION AND [PROPOSED] ORDER TO: (1) EXTEND THE DEADLINE TO RESPOND TO THE FIRST AMENDED COMPLAINT (Second Request) [ECF NO. 9]; (2) SET A DEADLINE FOR DEFENDANTS TO FILE A MOTION TO DISMISS ON THE BASIS OF SUBJECT MATTER JURISDICTION; AND (3) STAY PLAINTIFFS' MOTION TO CONSOLIDATE [ECF NO 6.] and REQUEST FOR STATUS CONFERENCE** was transmitted electronically through the Court's e-filing electronic notice system to the attorney(s) associated with this case. If electronic notice is not indicated through the court's e-filing system, then a true and correct paper copy of the foregoing document was delivered via U.S. Mail.

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/s/ Pamela Carmon
An Employee of Fennemore Craig, P.C.

EXHIBIT INDEX

DESCRIPTION	EXHIBIT
Final Agreement In Support of Subject Matter Jurisdiction Motion	1

Exhibit 1

Agreement Among the Parties Re: Case Consolidation for the Purpose of Determining Subject Matter Jurisdiction

Exhibit 1

**AGREEMENT AMONG THE PARTIES REGARDING CASE CONSOLIDATION FOR
THE PURPOSE OF DETERMINING SUBJECT MATTER JURISDICTION**

On November 10, 2017, Margarita Cabral and numerous other named plaintiffs (the “Plaintiffs”) brought Case No. 2:17-cv-02841-APG-VCF in the United States District Court for the District of Nevada alleging that Caesars Entertainment Corporation and related entities (collectively, “Caesars”) improperly applied Clark County, Nevada’s Combined Transient Lodging Tax to charges for internet access. Subsequently, counsel for Plaintiffs filed the following nine additional lawsuits (the “Subsequent Lawsuits”) in the same federal district court:

- *Phelps et al. v. MGM Resorts International et al.*, Case No. 2:17-cv-02848-APG-CWH (filed on November 13, 2017);
- *Martinez et al. v. Las Vegas Sands Corp. et al.*, Case No. 2:17-cv-02859-APG-NJK (filed on November 14, 2017);
- *Schnitzer et al. v. Wynn Resorts, Ltd. et al.*, Case No. 2:17-cv-02868-RFB-GWF (filed on November 15, 2017);
- *Bowes et al. v. Nevada Property 1 LLC*, Case No. 2:17-cv-02913-GMN-VCF (filed on November 20, 2017);
- *Chapman v. Penn National Gaming, Inc. et al.*, Case No. 2:17-cv-02924-GMN-PAL (filed on November 21, 2017);
- *Shapiro v. Treasure Island, LLC*, Case No. 2:17-cv-02930-APG-CWH (filed on November 22, 2017);
- *Inman v. Las Vegas Resort Holdings, LLC*, Case No. 2:17-cv-02950-JAD-NJK (filed on November 28, 2017);
- *DiNino v. Four Seasons Hotels Inc.*, Case No. 2:17-cv-2961-JAD-GWF (filed on November 29, 2017); and
- *Robinson v. Westgate Resorts Inc.*, Case No. 2:18-cv-95-JAD-CDH (filed on January 17, 2018).

Each of the complaints filed by counsel for Plaintiffs (collectively, the “Resort Fee Lawsuits”) contains virtually identical allegations and requests for relief. Each case will also likely involve a similar determination of whether the adjudicating court has subject matter jurisdiction over the action. In an effort to avoid duplicative legal briefing and efficiently address the common issue of subject matter jurisdiction, the parties to the Resort Fee Lawsuits, by and through their undersigned counsel, hereby agree as follows:

1. The parties in each of the Subsequent Lawsuits shall file a stipulation to stay their respective cases pending a determination by the court in Case No. 2:17-cv-02841-APG-VCF, or by a court resolving this issue on appeal, of whether the Court may exercise subject matter jurisdiction over Plaintiffs’ claims.
2. The parties in each of the Resort Fee Lawsuits before Judge Andrew Gordon, Case Nos. 2:17-cv-02841, 2:17-cv-02848, 2:17-cv-02859, and 2:17-cv-02930, shall stipulate to consolidate those cases for the limited purpose of determining subject matter jurisdiction. At this time, the parties do not agree to consolidate the Resort Fee Lawsuits for any other determination or purpose.
3. Caesars shall coordinate with defendants in the Subsequent Lawsuits to present a single motion to dismiss on the basis of subject matter jurisdiction (the “Subject Matter Jurisdiction Motion”) that shall be filed by Caesars in Case No. 2:17-cv-02841-APG-VCF.
4. Caesars and Plaintiffs shall stipulate to stay the Motion to Consolidate filed November 30, 2017 in Case No. 2:17-cv-02841-APG-VCF. (ECF No. 6), until 30 days from the date that Judge Gordon issues a final ruling on the Subject Matter Jurisdiction Motion.
5. Filing of the Subject Matter Jurisdiction Motion in Case No. 2:17-cv-02841-APG-VCF does not constitute a waiver of any defense or argument and shall not preclude Caesars or defendants in the Subsequent Lawsuits from asserting any additional defenses or arguments at a later date, including, without

limitation, any defenses or motions permitted by Federal Rule of Civil Procedure 12(b). The parties to the Resort Fee Lawsuits reserve their rights regarding arbitration.

6. Caesars and Plaintiffs shall file a stipulation providing that the deadline for filing the Subject Matter Jurisdiction Motion in Case No. 2:17-cv-02841-APG-VCF shall be March 14, 2018.
7. The parties in each of the Resort Fee Lawsuits shall file a stipulation providing that the current deadline to respond to the operative complaint or to file motions to dismiss shall be extended to 30 days from the date that Judge Gordon issues a final ruling on the Subject Matter Jurisdiction Motion.
8. The parties in each of the Subsequent Lawsuits not before Judge Gordon shall file a stipulation providing that plaintiffs in each of the Subsequent Lawsuits not before Judge Gordon will either voluntarily dismiss their respective complaints, or stay those cases pending appeal, should plaintiffs choose to appeal, if Judge Gordon grants the Subject Matter Jurisdiction Motion.
9. The parties in each of the Subsequent Lawsuits not before Judge Gordon shall file a stipulation providing that, if Judge Gordon denies the Subject Matter Jurisdiction Motion, defendants will not re-file the Subject Matter Jurisdiction Motion in their respective cases.
10. In the event a court denies or modifies a stipulation to stay provided for in paragraph 1 or a stipulation to consolidate provided for in paragraph 2, the parties to such lawsuit shall meet and confer to determine how to proceed in that case. The denial or modification of any stipulation in one of the Subsequent Lawsuits shall not alter the parties' obligations under paragraphs 1 and 2 in any other Subsequent Lawsuit.

This Agreement may be executed in counterparts and shall be deemed executed when counterparts of this Agreement have been executed by all the parties; such

counterparts taken together shall be deemed to be the Agreement.

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counterparts taken together shall be deemed to be the Agreement.

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& RABKIN, LLP**

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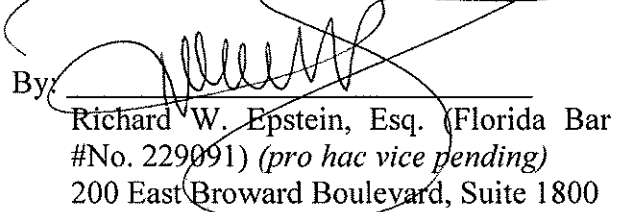
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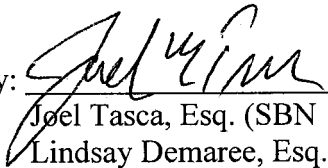
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